



14
Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John C. Smith et al.
Serial No. : 09/761,579
Filed : January 18, 2001
Title : METHODS

Art Unit : 1634
Examiner : Juliet C. Einsmann

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed March 26, 2002, and further to the action mailed February 13, 2002, and the election of Group I in the paper filed March 13, 2002, applicants elect the single polymorphism at position 1388 of SEQ ID NO:2. This election is made with traverse. Applicants point out that claim 1 covers a method of diagnosis involving determining the sequence at one, two or three of the specified positions. If the restriction requirement is permitted to stand, applicants will be limited to presenting claims in this application and in any divisional application that are limited to determining the sequence at only one position. In other words, applicants will be unable to present any claim, in this or any divisional case, that requires determining the sequence at more than one of the specified positions. This is an improper application of restriction practice. Thus, applicants request that the requirement be withdrawn, at least insofar as it requires election of a single polymorphism from claim 1.

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Attorney's Docket No. 06275-287001 / AFG/Z70638-1
US

Enclosed is a Petition for Extension of Time for two months, and a check for \$400.
Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 26, 2002

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